

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
**FILED**  
MAY 29 2002  
CLERK, U.S. DISTRICT COURT  
By \_\_\_\_\_ Deputy *ajl*

JAMAL ELHAJ-CHEHADE,  
Plaintiff,

VS.

THE EDUCATIONAL COMMISSION  
FOR FOREIGN MEDICAL GRADUATES,  
a/k/a ECFMG or ECFMG/USMLE  
(entities or individuals),  
Defendants.

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Civil Action No. 3:99-CV-0680-BC

**ORDER**

In this action that Judge Boyle decided as a consent case, plaintiff Jamal Elhaj-Chehade ("Elhaj-Chehade") has filed still another post-judgment motion, which has been directed to the undersigned for decision. The court dismisses Elhaj-Chehade's April 23, 2002 notice of appeal before a district judge, denies his motion to transfer and consolidate, and denies his motion to leave for relief from final order/judgment and motion to reopen this case.

Elhaj-Chehade filed this suit on March 29, 1999. Following preliminary proceedings, the parties consented on February 3, 2000 to proceed before Judge Boyle, and the case was reassigned to her. Following pretrial proceedings, Judge Boyle granted defendant's motion for summary judgment on January 4, 2001. On January 10, 2001 she filed a final judgment, from which Elhaj-Chehade took an appeal to the Fifth Circuit. On December 12, 2001 the Fifth Circuit dismissed the appeal as frivolous. *See Elhaj-Chehade v. Educ. Comm'n for Foreign Med. Graduates*, No. 01-10147 (5th Cir. Dec. 12, 2001) (per curiam). Since that time, Elhaj-Chehade has filed several motions, which Judge Boyle either has ordered unfiled because this case is closed or has denied. The

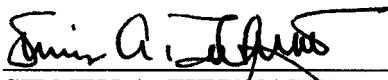
instant motions are similar, at least titulary, to ones he filed on March 14, 2002 and April 2, 2002.

The court dismisses Elhaj-Chehade's notice of appeal because it is not clear what decision he is appealing and, therefore, that the appeal must be to the district court rather than to the Fifth Circuit. The court denies his motion to transfer because there is no reason to transfer a closed case, from which an appeal has been taken and dismissed as frivolous, and consolidate it with a pending case. The court denies Elhaj-Chehade's motion to leave for relief from final order/judgment and motion to reopen this case because most of the grounds on which he relies appear to be nothing more than reiterations of arguments he has already urged unsuccessfully or complaints about the fairness of the prior proceedings in this case that he could have raised by direct appeal. Fed. R. Civ. P. 60(b) and 60(b)(3) cannot be used for these purposes or as a substitute for an appeal. To the extent he posits new contentions, they are conclusory and are unsupported by any evidence. And insofar as Elhaj-Chehade asks for a hearing at which to present new evidence, he has not adequately demonstrated why he could not have presented it before Judge Boyle entered summary judgment against him.

Since the Fifth Circuit's decision dismissing his appeal as frivolous, Elhaj-Chehade has filed several motions in this case that have all been ordered unfiled or have been denied. The court admonishes Elhaj-Chehade that if he files an additional baseless motion, the court will preclude him from filing further pleadings in this case without first obtaining leave of court.

**SO ORDERED.**

May 30, 2002.

  
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SIDNEY A. FITZWATER  
UNITED STATES DISTRICT JUDGE